

### REMARKS

Below, the applicant's comments are preceded by related remarks of the examiner set forth in small bold type.

**Claim 41 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

**Claims 29, 31, 32 and 42-48 are allowed.**

The applicant thanks the examiner for allowing claims 29, 31, 32, and 42-48, and indicating allowance of claim 41 if rewritten in independent form. New independent claim 49 includes all the limitations of previously presented claim 41.

**Claims 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Golding.**

**The patent Golding '100 discloses a vehicle navigation system with an onboard system 10 that plans a route as described in claim 1 of the patent. The system updates travel information along specific roads of the system and updates a user on a specific route of traffic problems and alternate routes as described in column 6 lines 50-65.**

Golding does not disclose or suggest "at a server, enabling fewer than all of an available set of probe vehicles on the route to provide traffic related data; monitoring traffic condition along the route by receiving traffic related data from the subset of enabled vehicles on the route," as recited in amended claim 38. Rather Golding discloses that "[t]he central database 2 is used for dynamically updating travel time data based upon information collected from all of the vehicles in the navigation system" (emphasis added) (col. 5, lines 5-7).

Golding discusses methods for dynamically updating travel time information, and route planning using the dynamically updated travel time information, but does not disclose or suggest "enabling a subset of an available set of probe vehicles on the route to provide traffic related data."

**Claims 33 and 35-37 rejected under 35 U.S.C. 103(a) as being unpatentable over Golding in view of Sakashita.**

**The patent to Golding discloses all features of the claimed invention as described above, but for the user specifying of a specific road to be traveled. The patent to Sakashita discloses a navigational system that allows the user to specify a familiar road in a route, as described in the abstract, in order to allow the driver to travel on a frequently used road. It would have been obvious to one having ordinary skill in the art at the time the invention was**

**made to provide the system of Golding with the ability to specify a road to be traveled on a route, in order to allow the user to travel, a familiar road.**

For reasons discussed above, Golding does not disclose or suggest “receiving traffic data related to road segments in the road network, in which the traffic data are derived from traffic related data received from fewer than all of an available set of probe vehicles, the subset of probe vehicles being enabled by the server system to provide the traffic related data” (emphasis added), as recited in amended claim 33. Golding discloses that “[t]he central database 2 is used for dynamically updating travel time data based upon information collected from all of the vehicles in the navigation system” (emphasis added) (col. 5, lines 5-7).

What is missing in Golding is also not disclosed or suggested in Sakashita, which merely discloses a navigation system capable of establishing a path to a destination to include a road frequently traveled by the user, and does not disclose enabling a subset of probe vehicles to collect traffic data.

The pending dependent claims are patentable for at least the same reasons as the claims on which they depend.

Cancelled and amended claims have been cancelled and amended, respectively, without prejudice. The applicant reserves the right to pursue those claims in a continuing application.

Any circumstance in which the applicant has addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner. Any circumstance in which the applicant has made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims. Any circumstance in which the applicant has amended a claim does not mean that the applicant concedes any of the examiner’s positions with respect to that claim or other claims.

Enclosed is a \$300.00 check for excess claims fees. Please apply any charges or credits to deposit account 06-1050, referencing attorney docket 09650-005010.

Applicant : Ronald P. Knockeart et al.  
Serial No. : 10/675,627  
Filed : September 30, 2003  
Page : 8 of 8

Attorney Docket: 09650-005010 / 2003P13044US

Respectfully submitted,

Date: 3/28/2005

Rex I. Huang  
Rex I. Huang\* for  
J. Robin Rohlicek, J.D., Ph.D., Reg. No. 43,349

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

*\* See attached document certifying that Rex Huang has limited recognition to practice before the U.S. Patent and Trademark Office under 37 CFR § 10.9(b).*

21023143.doc